
1H

Information

General Session

Recommendations from the April 7, 2011 Audit Report

Executive Summary: This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and of the Office of Human Resources; the Commission's response to the Audit as well as an update on staff progress in addressing the recommendations; and a report on DPP's current workload.

Recommended Action: For information only

Presenters: Patty Wohl, Director, Certification, Assignment and Waivers Division and Teri Clark, Director, Professional Services Division

Strategic Plan Goal: 1

Promote educational excellence through the preparation and certification of professional educators

- ◆ Evaluate and monitor the moral fitness of credential applicants and holders and take appropriate action

August 2011

Recommendations from the April 7, 2011 Audit Report

Introduction

This agenda item provides an update to the Commission on the April 7, 2011 Bureau of State Audits' Audit of the Division of Professional Practices (DPP) and of the Office of Human Resources, and also provides the Commission's responses to the Audit recommendations.

Audit Update

On April 7, 2011 the California State Auditor issued a report entitled "*Despite Delays in Discipline of Teacher Misconduct, the Division of Professional Practices has not Developed an Adequate Strategy or Implemented Processes That Will Safeguard Against Future Backlogs*". The audit identified 11 recommendations. The initial update was presented to the Commission at the June 2011 Meeting (<http://www.ctc.ca.gov/commission/agendas/2011-06/2011-06-2H.pdf>). On Monday, June 6, 2011 the required sixty day response was submitted to the Bureau of State Audits.

Many of the audit recommendations overlapped; therefore, at the direction of the Co-Acting Executive Directors, four areas of focus were identified that encompass the 11 recommendations as listed below. Attachment One shows where each of the eleven recommendations falls within the four areas of focus.

- 1. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff**
- 2. Individuals for whom the Commission needs subsequent misconduct reports**
- 3. Division of Professional Practices**
- 4. Office of Human Resources**

Following is a description of staff analysis of issues and related actions that fall within these four areas:

1. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff. Once an opinion is received from the Attorney General, we will take the steps necessary to comply with the attorney general's advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month. (BSA Recommendations 4 and 5)

2. Individuals for whom the Commission needs subsequent misconduct reports. The Department of Justice (DOJ) currently provides copies of the "Reports of Arrest and Prosecution" (RAP) for all individuals who currently hold or have ever held a teaching/services credential, a 30 day substitute permit, and/or a certificate of clearance or who have submitted fingerprints to the Commission in preparation for applying for a credential or certificate of clearance. If the Commission receives RAPs for only those individuals who are currently authorized to provide service in the public schools, the division's RAP processing workload would be significantly reduced. (BSA Recommendation 1)

3. Division of Professional Practices. The auditors indicated that the processing of reports of misconduct must be analyzed and clear criteria and procedures must be developed for timely, accurate processing of all reports. The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed. Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, the person(s) responsible for the case, length of time at each stage of review, reasons for delays and final disposition. The data needs to be complete, accurate and consistently entered into the database. An oversight process needs to be developed to ensure the accuracy of data entered into the database and to provide data in a form useful as a management tool. The time elapsed in the processing of misconduct needs to be reduced, including making prompt requests for information from law enforcement agencies, courts, schools, and knowledgeable individuals. Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload. The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC. While not included in the BSA recommendations, the early pursuit of information related to more serious cases should be examined.

CTC staff is working hard to correct problems in the aforementioned areas and will continue to report to the Joint Legislative Audit Committee (JLAC), members of the Legislature, the BSA, and stakeholders on the progress that we are making in all areas. (BSA Recommendations 2, 3, 6, 7, 8, and 9)

4. Office of Human Resources. The auditors indicated that information about staffing and about staff concerns must be clearly documented, current, and shared with the appropriate staff at the appropriate intervals. This includes information on 1) hiring and promotions, 2) making sure supervisors and managers are appropriately documenting their hiring processes, and 3) ensuring that staff understands the grievance and EEO complaint processes. (BSA Recommendations 10 and 11)

Attachment Two provides information on the specific actions taken to date related to each of these four topics, dates of the actions and the identified *Next Steps*. This table is being updated weekly to track the agency's progress in addressing the audit recommendations.

DPP Workload Update

Staff has been fine tuning the DPP Monthly Activity Summary reports provided to you in June and adding additional information on DPP's workload. These three reports include a detailed look at the COC workload including all Open Cases by Status and Type (Chart 1); monthly RAPs Received and Processed (Chart 2); and a report on the Closed Cases (Chart 3). The revised versions of the first two charts provide a better breakdown and description of DPP's workload, and also provide tracking information on how the work is flowing through the division.

DPP Monthly Activity Summary

Activity During June 2011

Pre COC

Work Received in DPP

	Items Rec'd	Cases Opened
RAPs	733	282
Apps	1,180	271
SD Reports *	29	12
Misc *	12	13
Total	1,954	578

*Work related to cases opened may have been received in a prior period

Document Requests

Arrest	227
Court	399

COC Inventory

Initial Review	84
Formal Review	44
Consent Review	310

COC Work Completed (June 2011)

Cases to COC

Initial Review	65
Formal Review	54
Reconsideration	0
Consent Review	311

Cases Completed

Closed	137
Granted	181
Adverse Actions	0

Post COC

Settlement	6
AG	5
CTC	0

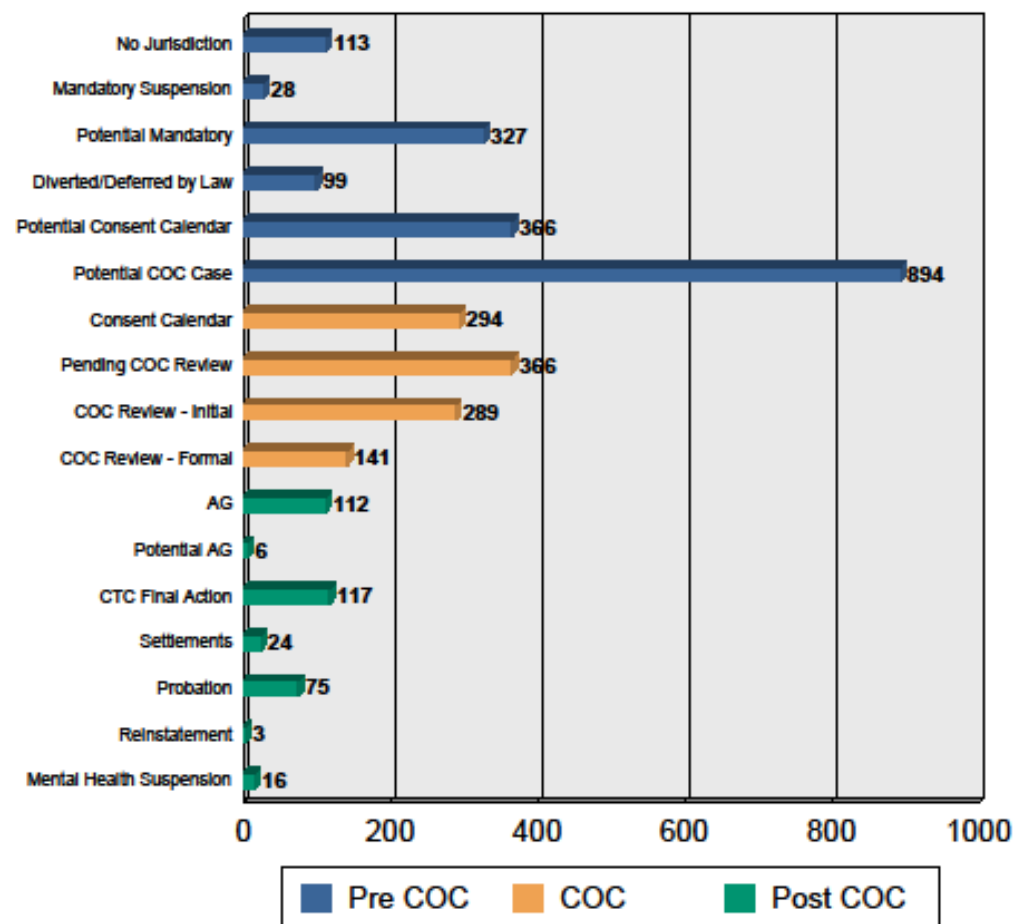
Mandatory Actions

Revocations	17
Denials	10
Automatic Suspensions	12

Inventory for June 2011

Starting Case Load	3,179
Cases Opened	578
Cases Closed	487
Ending Case Load	3,270

Open Cases by Status and Type as of June 30, 2011



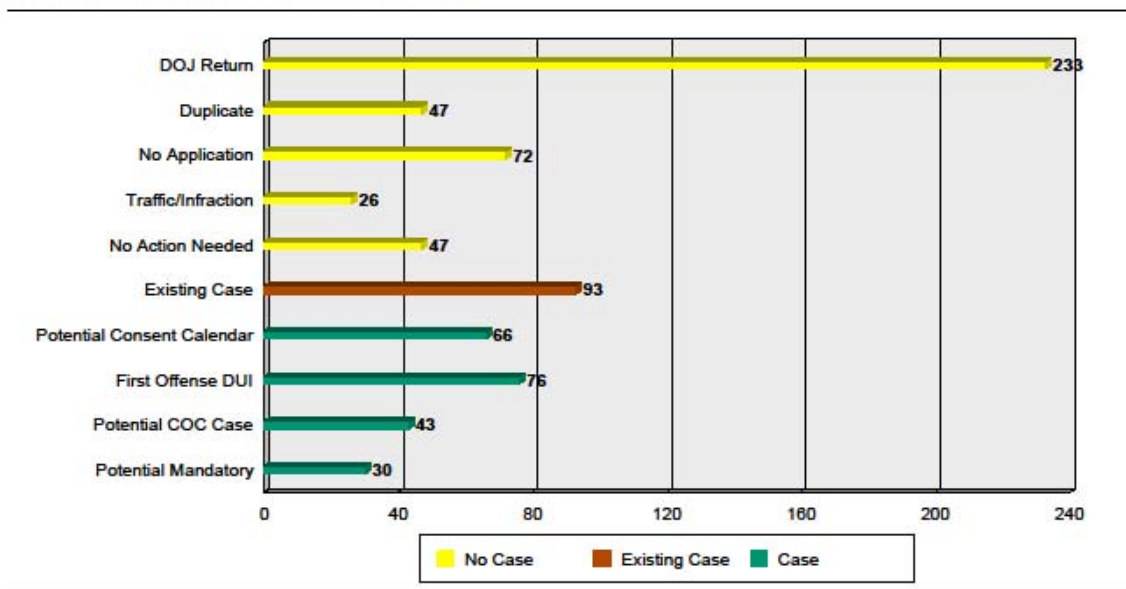
Pre COC	1,827
COC	1,090
Post COC	353
Total Open Cases	3,270

The workload shown in Chart 1, page 4, is now broken down by cases preparing to go to the Committee of Credentials (COC) in blue, cases that are currently in the COC review phase in yellow and cases that are post-COC review in green. As staff continue to make progress and gain efficiencies in the area of identifying and processing pre-COC cases, the COC workload is likely to continue to grow as there are only a finite number of cases that can be heard by the Committee each month.

Chart Two is a modified version of the RAP report provided in June 2011. This chart shows all RAP sheets received in the month of June 2011. This report now presents the workload in a sequential organization with the yellow rows showing the RAPs that do not lead to a case, the red rows are the RAPs which are affiliated with an existing case and the green rows show the RAPs that lead to a new case. The labels for the rows in this report were also modified to more clearly describe the type of category of RAPs received.

Chart 2: Monthly RAPs Received and Processed

DPP RAPs Received and Processed June 2011

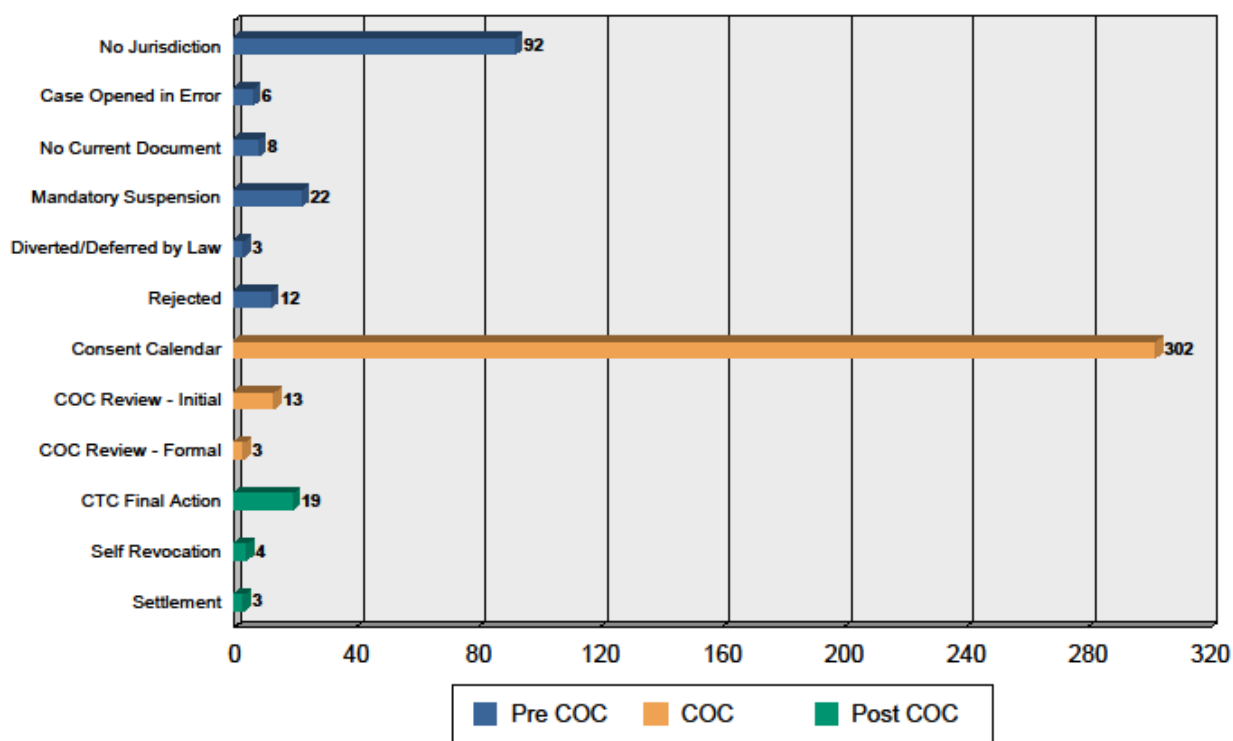


No Case	425
Existing Case	93
Case	215
Total RAPs	733

The third chart is a new chart which identifies the types of cases that were closed throughout the month of June 2011. It is important to note that cases may be closed at any one of multiple steps in the discipline process and not all the cases that are closed were received in any one month.

Chart 3: Monthly Cases Closed

Cases Closed by Type During June 2011



Pre COC	143
COC	318
Post COC	26
Total Cases Closed	487

Another report is planned which will provide a breakdown of the age and type of the cases in the Committee on Credentials review process. This report is still under development and will be available at the October 2011 Commission meeting.

Next Steps

Staff will continue to post the Monthly Activity Summary reports on the Commissioners' internal webpage each month. Staff will continue working to implement the State Auditor's recommendations and to file required updates. The second (6-month) report is due to be submitted on October 7, 2011.

Attachment One

Responses from the Commission on Teacher Credentialing regarding the Recommendations from the Bureau of State Audit and CTC-Assigned Focus Area

BSA Recommendations	Focus Area
Recommendation One: To comply with the law and reduce unnecessary workload, the division should continue to notify Justice of individuals for whom it is no longer interested in receiving RAP sheets.	2. Individuals for whom the Commission needs updated misconduct reports
Recommendation Two: The commission should revise its strategic plan to identify the programmatic, organizational, and external challenges that face the division and the committee, and to determine the goals and actions necessary to accomplish its mission.	3. Division of Professional Practices
Recommendation Three: To ensure that it can effectively process its workload in the future, the commission should collect the data needed to identify the staffing levels necessary to accommodate its workload.	
Recommendation Four: The commission should seek a legal opinion from the attorney general to determine the legal authority and extent to which the committee may delegate to the division the discretionary authority to close investigations of alleged misconduct without committee review, and take all necessary steps to comply with the attorney general's advice.	1. Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff.
Recommendation Five: Once the commission has received the attorney general's legal advice regarding the extent to which the committee may delegate case closures to the division, the commission should undertake all necessary procedural and statutory changes to increase the number of cases the committee can review each month.	
Recommendation Six: The division should develop and formalize comprehensive written procedures to promote consistency in, and conformity with, management's policies and directives for reviews of reported misconduct.	3. Division of Professional Practices
Recommendation Seven: The division should provide training and oversight, and should take any other necessary steps, to ensure that the case information in the commission's database is complete, accurate, and consistently entered to allow for the retrieval of reliable case management information.	
Recommendation Eight: To ensure that the division promptly and properly processes the receipt of all the various reports of educator misconduct it receives, such as RAP sheets, school reports, affidavits, and self disclosures of misconduct, it should develop and implement procedures to create a record of the receipt of these reports that it can use to account for them. In addition, the process should include oversight of the handling of these reports to ensure that case files for the reported misconduct are established in the commission's database to allow for tracking and accountability.	
Recommendation Nine: To adequately address the weaknesses in its processing of reports of misconduct, the division should revisit its management reports and its processes for overseeing the investigations of misconduct to ensure that the reports and practices provide adequate information to facilitate the following:	3. Division of Professional Practices

BSA Recommendations	Focus Area
<ul style="list-style-type: none"> • Reduction of the time elapsed to perform critical steps in the review process. • Adequate tracking of the reviews of reports of misconduct that may require mandatory action by the commission to ensure the timely revocation of the credentials for all individuals whose misconduct renders them unfit for the duties authorized by their credential. • Prompt requests for information surrounding reports of misconduct from law enforcement agencies, the courts, schools, and knowledgeable individuals. • An understanding of the reasons for delays in investigating individual reports of misconduct without having to review the paper files for the cases. 	
<p>Recommendation Ten: To better ensure that its hiring decisions are fair and that employment opportunity is equally afforded to all eligible candidates, and to minimize employees' perceptions that its practices are compromised by familial relationships or employee favoritism, the commission should do the following:</p> <ul style="list-style-type: none"> • Prepare and/or formally adopt a comprehensive hiring manual that clearly indicates hiring procedures and identifies parties responsible for carrying out various steps in the hiring process. • Maintain documentation for each step in the hiring process. For example, the commission should maintain all applications received from eligible applicants and should preserve notes related to interviews and reference checks. Documentation should be consistently maintained by a designated responsible party. • Hiring managers should provide to the commission's Office of Human Resources documentation supporting the appointment decision, and the Office of Human Resources should maintain this documentation so that it can demonstrate that the hiring process was based on merit and the candidate's fitness for the job. 	4. Office of Human Resources
<p>Recommendation Eleven: To ensure that employees understand their right to file either an EEO complaint or grievance, and to reduce any associated fear of retaliation, the commission should do the following:</p> <ul style="list-style-type: none"> • Include in its EEO policy a statement informing staff members that they may make complaints without fear of retaliation. • Actively notify employees annually of its EEO complaint and grievance processes, including the protection from retaliation included in both. • Conduct training on its EEO complaint process on a periodic basis. 	

Attachment Two

Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff. Once an opinion is received from the Attorney General, take necessary steps to comply with the attorney general's advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month (BSA Recommendations 4 and 5).	
CTC Actions as of July 12, 2011	Next Steps
<ul style="list-style-type: none"> Requested a formal Attorney General Opinion (May 2, 2011). Contacted the AG on June 21, 2011, requesting confirmation that the request for an opinion had been received. Request has been received and assigned an opinion number 11-501. In the interim, effective May 1, 2011, the Committee of Credentials began reviewing a Consent Calendar of work evaluated by legal staff and takes action at each meeting on all cases rather than staff closing any cases. <ul style="list-style-type: none"> May: 126 cases June: 283 cases At its June 22-23, 2011, meeting the COC considered an additional calendar of cases that legal staff has identified as the type of case that might be closed at the Initial Review. Twenty-eight cases were presented in this discuss calendar in June and the COC decided to close or grant 19 of the cases. The remaining 9 cases will be scheduled for COC Initial Review. Summary disposition of such cases could result in the completion of approximately 100-150 additional cases a year. Prior to receiving the AG's opinion the Commission staff will work with policymakers, stakeholders and other interested parties to discuss the COC process and potential procedural and statutory solutions to increase the number of cases reviewed by the COC. 	<ul style="list-style-type: none"> Commission Agenda Update– At the August 4, 2011 meeting, staff will present an update on the work to date. In addition, staff will present an agenda item on the discipline process and propose the development of stakeholder meetings to discuss the discipline process and provide recommendations on improving the discipline process.

Legality of the Committee of Credentials (COC) delegating its discretionary authority to staff. Once an opinion is received from the Attorney General, take necessary steps to comply with the attorney general's advice and undertake all necessary procedural and statutory changes to increase the number of cases the COC can review each month (BSA Recommendations 4 and 5).

CTC Actions as of July 12, 2011	Next Steps
<ul style="list-style-type: none"> Discipline Process Webinar – July 12, 2011. <i>California's Educator Discipline Process—Laws and Current Commission Procedures</i>. Staff presented information on the current educator discipline process. 	

Individuals for whom the Commission needs updated misconduct reports. The DOJ currently provides copies of the “Reports of Arrest and Prosecution” (RAP) for all individuals who currently hold or have ever held a teaching/services credential, a 30 day substitute permit, certificate of clearance or submitted fingerprints to the Commission in preparation for applying for a credential or certificate of clearance (BSA Recommendation 1).

CTC Actions as of July 12, 2011	Next Steps
<ul style="list-style-type: none"> Beginning in March 2011, staff began returning RAPs to the DOJ—As of June 20, 2011, 908 individuals' RAP sheets have been returned to the DOJ. On June 21, 2011 staff confirmed with DOJ that returning RAPs will remove the individual from the list. Once an individual is removed from the Commission’s list, the individual would need to be fingerprinted again in order to apply for a new credential or permit in order for the Commission to receive current and subsequent arrest information. Staff has determined how many people are currently in the CASE system (1,155,976 total individuals in the system) but have never held a license, or all licenses held have been expired for a minimum of 3 years. These are the first groups that are being sent to DOJ as “<i>No longer interested</i>” in receiving RAPs. <ul style="list-style-type: none"> 67,000: no license, only fingerprints in the system which were submitted a minimum of 3 years prior 268,000: all licenses expired 3 years or longer 30,000: only an expired COC (valid for 5 years) and no valid licenses 	<ul style="list-style-type: none"> Staff is investigating the feasibility of setting a one year (1) time period, instead of 3 years, to notify DOJ to no longer send subsequent RAPs for an individual. Developing the process to notify DOJ on a regular (i.e., weekly) basis of the individuals for whom the Commission no longer needs to receive subsequent RAPs (August 2011-November 2011). Regulatory changes will be proposed to clarify the expiration date of all Certificates of Clearance issued prior to July 2007 (August 2011).

Division of Professional Practices: The processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports. The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed. Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, lengthy of time at each stage of review, reasons for delays and the person (s) responsible for the case. The data needs to be complete, accurately and consistently entered into the database and useful as a management tool. An oversight process needs to be developed to ensure the accuracy of data entered into the database. The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals. Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload. The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC. (BSA Recommendations 2, 3, 6, 7, 8, and 9)

CTC Actions as of July 12, 2011	Next Steps
<ul style="list-style-type: none"> • All allegations of misconduct (RAP, employer report, affidavit and self-disclosure) are entered, including intake date, into the SIEBEL system within 5 business days of arriving at the Commission. • Intake and Tracking screens are being developed within the SIEBEL (database) system and will serve as a monitoring process; management reports are being developed as part of the oversight process. • A comprehensive Procedures Manual was developed by the Division and posted on the CTC intranet along with other DPP training materials (May 6, 2011). <ul style="list-style-type: none"> – As procedures are fine-tuned or additional procedures are developed, the Procedures Manual will be updated. – All division staff completed initial training on the Procedures Manual (May 25, 2011). • Staff has developed initial workload reports to gather the data necessary to understand the volume of work on a task by task basis. 	<ul style="list-style-type: none"> • The Intake and Tracking Screens will be piloted (July 2011). • Additional training for staff on the Procedures Manual is scheduled (July 2011). • Analyze the data collected including type of task, staff completing the task, and time to complete the task and based on the analysis review current procedures and develop additional oversight procedures to monitor the implementation of the policies in the division (beginning in June 2011). • For the 2011-12 year, move a position from the Certification Division to the Professional Practices Division to reorganize the management of the division (August 2011). Once the new management structure is in place, the refinement and implementation of the comprehensive monitoring and oversight plan will be the primary focus for management. • After reviewing management reports, if necessary submit a BCP for FY 2013-14.

Division of Professional Practices: The processing of reports of misconduct must be analyzed and clear procedures developed for timely, accurate processing of all reports. The procedures need to be documented and centrally located, staff needs to be trained on the procedures, and an oversight system must be developed to ensure that the procedures are followed. Incoming reports of misconduct must be entered into a database and each report must be monitored as the discipline process is followed with triggers in place to move mandatory actions forward immediately and with attention to tracking cases by type, lengthy of time at each stage of review, reasons for delays and the person (s) responsible for the case. The data needs to be complete, accurately and consistently entered into the database and useful as a management tool. An oversight process needs to be developed to ensure the accuracy of data entered into the database. The time elapsed in the processing of misconduct needs to be reduced including prompt requests for information from law enforcement agencies, the courts, schools, and knowledgeable individuals. Once clear division procedures with expected timelines are in place, data must be collected to identify the staffing levels necessary to accommodate the workload. The strategic plan for the division needs to be reviewed and revised to identify the programmatic, organizational, and external challenges that face the division and the COC. (BSA Recommendations 2, 3, 6, 7, 8, and 9)

CTC Actions as of July 12, 2011	Next Steps
<p>Additional reports are under development:</p> <ul style="list-style-type: none"> a. RAPs—type of misconduct in the RAP (sample attached) b. Monthly Activity Summary and Existing Inventory-Workload by status and type (sample attached) c. Case Aging Report (internal report developed and being refined, external non-confidential report under development) d. Cases Ready for Committee Report (developed and being refined to include additional information about types and severity of misconduct of the cases awaiting COC Review) <ul style="list-style-type: none"> • A search for the new Executive Director is currently taking place with a filing date of June 30, 2011, or until the position is filled. Interviews will take place in August 2011. • A search for a new General Counsel is underway with a final filing date of July 1, 2011. Screening and interviews will take place in July-August 2011. 	<ul style="list-style-type: none"> • An Interim Executive Director began on Monday, July 18, 2011. • It is expected that a new Executive Director will be in place by fall 2011. Once the new Executive Director has been appointed, the Strategic Plan will be reviewed as a starting point for a revised effort. The auditor's recommendations to identify programmatic, organizational, and external challenges will be integral to the review and revision of the Commission's Strategic Plan. Stakeholder input will be critical as well. • It is expected that a new General Counsel will be in place by September 1, 2011.

Office of Human Resources: Information must be clearly documented, current, and shared with the appropriate staff at the appropriate intervals. This includes information on 1) Hiring and promotions, 2) supervisors and managers appropriately documenting the hiring process, and 3) ensuring that all staff understand the grievance and EEO complaint processes (BSA Recommendations 10 and 11).

CTC Actions as of July 12, 2011	Next Steps
<ul style="list-style-type: none"> • With assistance from State Personnel Board (SPB) a comprehensive Hiring Handbook was developed. <ul style="list-style-type: none"> – The Handbook provides clear expectations for hiring process. – OHR staff monitors all hiring processes. – Handbook was reviewed by Senior Managers. – Training for all supervisors and managers was held on June 22, 2011. • The Commission’s EEO Policy was updated. <ul style="list-style-type: none"> – The updated EEO Policy was provided to all staff (May 9, 2011). – EEO Handbook was developed. The handbook outlines the process to file an EEO complaint. – An EEO webpage was developed for the CTC intranet (June 27, 2011). The Handbook is posted on the new web page. – SEIU Provided Onsite Employee meetings to review EEO (June 8, 2011). • A webinar on Workplace Retaliation was held on June 15, 2011 and all supervisors and managers were notified of the expectation that all attend the training or view the archived webinar. To date, 13 supervisors and managers have submitted verification of completion of the webinar (There are 27 supervisors and managers). • Per SPB guidance OHR maintains all retention schedules, maintenance guidelines, and examination materials (June 2011). 	<ul style="list-style-type: none"> • Develop an oversight plan to verify the hiring manual is being followed (by August 2011). • Identify an online training class for EEO. Once a class has been found, notify all staff of the opportunity to attend the class. <ul style="list-style-type: none"> – Annually remind staff of the EEO policy and have each staff member verify that he or she has reviewed and is familiar with the EEO policy. – Enhance the new EEO webpage with resources for staff on EEO related topics (by September 1, 2011). • Ensure that all supervisors and managers view the Workplace Retaliation webinar by August 15, 2011.